

# ANGLICAN DIOCESE OF MELBOURNE

## LEGISLATION RELATING TO THE ARCHBISHOPRIC AND CLERGY

### SUMMARY PAPER D – EMPLOYMENT STATUS AND REMUNERATION

#### What this is about

Whether, and if so which, clergy should have the status of employees; for clergy who are not employees, who should determine their remuneration and working conditions.

#### What are the main issues

- Whether clergy who are not already employees (such as school chaplains) should be considered as employees. For clergy other than vicars, the case seems fairly straightforward (and in fact they may already be employees), although the implications need to be worked through. For vicars there may be more complex considerations, and more work to be done.
- If vicars can expose the MADC to financial risk in how they supervise and manage the working hours and tenure of other parish clergy, this leave MADC with a risk it cannot manage.
- If all clergy are employees, industrial law would operate in the same way as for the rest of the workforce. For any who are not, the current lack of any binding statement of working conditions needs to be addressed. In every other metropolitan diocese remuneration and working conditions of clergy are set by the Diocesan Council, and the Diocesan Stipends Committee is not structured in a way that allows for an iterative and negotiated determination of remuneration for the clergy it covers.

#### What are the recommendations

Assistant clergy in parishes should have the legal status of employees.

The new Bill should provide that the parish from its funds indemnifies the MADC against any costs incurred by it arising from a decision made by the vicar in relation to the direction, supervision or management of a member of the clergy employed in the parish

The current review should explore actively whether it is desirable to treat vicars as employees for all purposes and what the legal and management implications would be.

The Diocesan Stipends Committee should be abolished, and the Archbishop in Council should have responsibility for determining the remuneration and other conditions of engagement or employment for all clergy paid through the MADC, subject to principles set out in the legislation.

At the time of making any determination in relation to the remuneration and other conditions of engagement or employment for clergy, the Archbishop in Council must have before it the written advice and recommendation of the MADC.

**Where to find it in the consultation paper**

Chapter 5, especially 5.2 – 5.8.